

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
MITCHELL, SOUTH DAKOTA**

**FEBRUARY 2, 2009  
7:30 P.M.**

**PRESENT:** Doug Backlund, Marty Barington, Geri Beck, Travis Carpenter,  
Scott Houwman, Allen Lepke, Jeffrey Smith

**ABSENT:** Dan Allen

**PRESIDING:** Mayor Lou Sebert

**AGENDA:**

Moved by Beck, seconded by Lepke, to approve the agenda as prepared. Motion carried.

**MINUTES:**

Moved by Carpenter, seconded by Barington, to approve the minutes of the regular City Council meeting held on January 20, 2009. Motion carried.

**CITIZEN'S INPUT:**

Council Member Houwman commented that the proposed stimulus money we may receive should be spent wisely.

**ORDINANCE:**

Moved by Lepke, seconded by Carpenter, to place Ordinance #2296, Rezoning Lot 13 in the East ½ of the NW¼, Fiala's Addition on second reading. Motion carried. Moved by Smith, seconded by Houwman, to adopt Ordinance #2296, Rezoning Lot 13 in the East ½ of the NW¼, Fiala's Addition, as follows:

**ORDINANCE NO. 2296**

AN ORDINANCE OF THE CITY OF MITCHELL, SOUTH DAKOTA, REZONING REAL PROPERTY LEGALLY DESCRIBED AS LOT 13 IN EAST ONE HALF (E ½) OF NORTHWEST QUARTER (NW ¼), FIALAS ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA FROM RESIDENTIAL LAKE (RL) TO SINGLE FAMILY DENSITY RESIDENTIAL (R1) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MITCHELL.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. The real property legally described as Lot 13, in East One Half (E1/2) of Northwest Quarter (NW1/4), Fialas Addition, City of Mitchell, Davison County, South Dakota be rezoned from

Residential Lake (RL) to Single Family Residential (R1) and Amending the Official Zoning Map of the City of Mitchell.

Section 2. The City Finance Officer shall publish notice of this ordinance, and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Motion carried and ordinance declared duly adopted.

### **BOARD OF ADJUSTMENT:**

Moved by Houwman, seconded by Barington, for the City Council to adjourn and sit as the Board of Adjustment. Motion carried.

It was advised that this is the date and time set for hearing on the application of Robert and Sherri Porter for a conditional use permit for an auto detail shop at 5100 Fiala Road, legally described as Lot 13 in the East ½ of the Northwest ¼, Fiala's Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application with the condition the operators of the business must be family members residing on the property. Moved by Carpenter, seconded by Backlund, to approve said application subject to the Planning Commission recommendation. Motion carried.

It was advised that this is the date and time set for hearing on the application of Mark Stedronsky for a variance to construct an enclosed breezeway connecting the garage to the house at 216 East 6<sup>th</sup> Avenue, legally described as the West 30 feet of Lot 11, Block 7, Rowley's First Addition, City of Mitchell, Davison County, South Dakota. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission approved said application. Moved by Carpenter, seconded by Beck, to approve said application. Motion carried.

Moved by Beck, seconded by Barington, for the Board of Adjustment to adjourn and the City Council to reconvene in regular session. Motion carried.

### **COMMITTEE REPORTS:**

#### **Public Works Committee:**

The Public Works Committee met on February 2, 2009 at 6:35 p.m. in the Council Chambers of City Hall. Public Works Director Tim McGannon gave a power point presentation on the proposed stimulus projects. He discussed possible funding and costs to the City.

The Finance Committee met on February 2, 2009 at 7:20 p.m. in the Council Chambers of City Hall. The committee reviewed sales tax collections for 2008 and reviewed Resolution #2714, Positive Increments from Tax Increment District #1.

Moved by Carpenter, seconded by Beck, to approve the committee reports. Motion carried.



Moved by Lepke, seconded by Carpenter, to adopt Resolution #2714, Positive Increments from Tax Increment District #1, as follows:

**RESOLUTION #2714**

Whereas, The City of Mitchell has entered into a Developers Agreement with MADC dated October 11<sup>th</sup> 1995; and

Whereas, pursuant to the Developer's Agreement the City has expended funds for specific real property assembly costs, the total of which were in excess of \$225,000.00; and

Whereas the agreement provided for the payment of these costs from the positive increment after the payment of any bonding obligations; and

Whereas, all bonded obligations have been paid.

NOW THEREFORE, BE IT RESOLVED THAT;

All positive increments from Tax Increment Number One shall be paid to the City of Mitchell in an amount not to exceed \$225,000.

Motion carried and resolution declared duly adopted.

Moved by Houwman, seconded by Beck, to adopt Resolution #2715, State Water Plan, as follows:

**RESOLUTION #2715  
STATE WATER PLAN  
AUTHORIZING RESOLUTION**

**WHEREAS**, the **City of Mitchell** has recently identified the need water storage improvements to include construction of a 1,000,000 gallon reservoir; and

**WHEREAS**, the **City of Mitchell** has identified the need to seek additional outside financing to assist in funding the recently expanded project; and

**WHEREAS**, the **City of Mitchell** requests amendment onto the State Water Plan; and

**WHEREAS**, the **City of Mitchell** is eligible for placement on the State Water Plan; and

**WHEREAS**, with the submission of the SWP application of the **City of Mitchell** assures and certifies that all SWP program requirements will be fulfilled; and

**THEREFORE, BE IT RESOLVED**, that the **City of Mitchell** duly authorizes the submission of the SWP application.

**THEREFORE, BE IT RESOLVED**, that **Mayor Lou Sebert** be authorized to execute the SWP application for the **City of Mitchell**.

Motion carried and resolution declared duly adopted.

**ORDINANCE:**

Moved by Lepke, seconded by Carpenter, to place Ordinance #2297, Supplemental Appropriations on first reading. Motion carried.

**CONSIDER APPROVAL:**

Moved by Beck, seconded by Carpenter, to authorize the Finance Officer to close Capital Project Funds 523-Highland Conference Center and 526-Vantage Point. Motion carried.

Moved by Beck, seconded by Smith, to authorize the Finance Officer to create the following Debt Service Funds for debt retirement of tax increment districts:

- 306-TID #10 MADC Business Park

Motion carried.

Moved by Lepke, seconded by Barington, to approve the Bike Path Agreement with the South Dakota Department of Transportation. Motion carried.

Moved by Carpenter, seconded by Barington, to approve the 2009 Corn Palace Decorating Product Contract with Wade Strand in the amount of \$42,500.00. Motion carried.

Moved by Beck, seconded by Carpenter, to approve declaring surplus the following Police Division unclaimed property:

- 36 one ounce silver coins
- 4 Canadian coins
- 1 gold necklace
- 8 silver coins
- Miscellaneous watches and jewelry
- Guns-Higgins 12 gauge shotgun, Jennings Model J-22 handgun, Marlin Model 60 .22 cal rifle

Motion carried.

**ABATEMENT OF TAXES:**

Moved by Smith, seconded by Beck, to approve the abatement of taxes in the amount of \$698.92 to Donald L. Anderson for Lot 10, Block 5, FM Greene Addition due to missed application deadline for property tax exemption. Motion carried.

Moved by Carpenter, seconded by Beck, to approve the abatement of taxes in the amount of \$221.32 to the City of Mitchell for the South 33 feet of the NW ¼ of the SW ¼ of the NW ¼ of Section 9-103-60 due to tax exempt entity. Motion carried.

Moved by Lepke, seconded by Beck, to approve the abatement of taxes in the amount of \$476.54 to the City of Mitchell for Lot 64-A, Maui Farms Second Addition due to tax exempt entity. Motion carried.

## **PAY ESTIMATES:**

Moved by Lepke, seconded by Carpenter, to approve the following pay estimates:

- pay estimate #53 in the amount of \$5,236.68 for Old Landfill Leachate Project #2003-21 contracted with Leggette, Brashears & Graham,
- pay estimate #5-Final in the amount of \$4,000.00 for Soccer Field Complex Project #2007-1 contracted with Loo Con Inc. and
- pay estimate #14-Final in the amount of \$619.75 for Hanson Street Utilities Project #2007-38 contracted with SPN & Associates.

Members present voting aye: Backlund, Barington, Beck, Carpenter, Houwman, Lepke, Smith.  
Members present voting nay: none. Motion carried.

## **BILLS:**

Moved by Backlund, seconded by Houwman, to approve the following payroll expenditures, adjustments to payroll and accounts payable warrants:

**PAYROLL, JANUARY 11, 2009 – JANUARY 24, 2009:** CITY COUNCIL-\$2,440.24, MAYOR-\$885.54, ATTORNEY-\$1,807.69, FINANCE-\$11,262.79, HUMAN RESOURCES-\$3,946.94, INFORMATION TECHNOLOGY-\$1,270.88, POLICE-\$54,440.96, TRAFFIC-\$3,519.00, FIRE-\$33,427.10, STREET-\$23,340.33, PUBLIC WORKS-\$14,824.38, CEMETERY-\$2,912.49, ANIMAL CONTROL-\$1,275.12, EMERGENCY MEDICAL SERVICES-\$7,467.31, LIBRARY-\$9,804.78, PLAYGROUNDS & ATHLETICS-\$3,855.29, RECREATION CENTER-\$11,748.45, ICE ARENA-\$2,852.57, PARK-\$7,939.12, SUPERVISION-\$5,195.68, FORESTRY-\$2,608.46, E911-\$16,146.29, RSVP-\$4,744.64, PALACE TRANSIT-\$15,990.77, NUTRITION-\$295.00, WATER-\$9,336.49, WATER DISTRIBUTION-\$8,447.18, SEWER-\$10,626.25, AIRPORT-\$1,776.37, WASTE COLLECTION-\$8,469.59, LANDFILL-\$6,834.72, CORN PALACE MAINTENANCE-\$12,015.71, CORN PALACE SHOWS-\$2,472.50, CORN PALACE CONCESSIONS-\$5,287.42, GOLF COURSE-\$4,772.52.

### **SALARY ADJUSTMENTS (per hour rate):**

FIRE/EMS: Derek Fahey-\$12.357, Tory Kaufman-\$15.375, Jason Koch-\$12.067, Tom Schaffner-\$12.648, Paul Schreck-\$12.357

E-911: Paul Paulson-\$17.271, Cheryl Shelton-\$17.271, Crystal VanSickle-\$15.340

LIBRARY: David Cantrell-\$8.50, Clarence Larsen-\$8.25, Micaela Nelson-\$8.25

PALACE TRANSIT: Stan Ruff-\$11.946, George Streetman-\$11.832

POLICE: Dave Beintema-\$23.989, Steve Clarke-\$18.773, Gary Kingsbury-\$20.407

PUBLIC SAFETY: George Breidenbach-\$9.86, Darwin Buus-\$9.86, Gladys George-\$9.86, Mel

Lubbers-\$9.86, Dean Minder-\$9.86, Ron Sommer-\$9.86, Pam Wolff-\$9.86

SANITATION: Scott Dey-\$15.370

TRAFFIC: Eugene Haiar-\$9.350

UTILITIES: Jim Zard-\$17.448

**NEW HIRES (per hour rate):**

CORN PALACE CONCESSIONS: Stacey Pollreisz-\$7.00

ICE ARENA: Dylan Thompson-\$7.00

**WARRANTS:** A&B Business, Supplies-\$820.37; A-Ox Welding Supply Company, Supplies-\$524.24; Accounts Management, Payroll Deductions-\$109.16; Affiliated Computer Service, Software Support-\$955.00; Aflac, Payroll Deductions-\$3,314.02; Aflac/Flex One, Claims-\$2,210.89; Alcopro, Supplies-\$119.00; Alltel, Utilities-\$1,587.28; American Red Cross, Supplies-\$8.00; Animal Care Equipment & Service, Supplies-\$41.24; Arbor Day Foundation, Membership-\$15.00; Arrowhead Scientific, Supplies-\$125.27; Assetworks, Annual Support-\$795.00; Auto Body Specialties, Supplies-\$53.95; Avera McKennan School of Education, Registration-\$200.00; Avera Queen of Peace Hospital, Supplies-\$49.24; B&B Upholstery, Repairs-\$60.00; Ben VandenHoek, Reimbursement-\$60.00; Bender's Sewer & Drain, Contract Services-\$98.00; Best Western Ramkota Inn, Travel-\$423.96; Boyer Trucks Sioux Falls, Parts-\$295.71; Building Sprinkler, Repairs-\$230.29; Bumblebee-Gibson, Liquid Ice Melt-\$6,636.25; Business Products, Supplies-\$850.23; Cabela's, Supplies-\$1,634.69; Campbell Supply, Parts-\$132.66; Carolina Software, Support-\$200.00; Charlie's Shoe Repair, Repairs-\$60.00; City of Emery, Senior Meals-\$1,539.60; City of Mitchell, Payroll Deductions-\$124.00; Claims Associates, Claim Payment-\$1,867.15; Clarence Giedd, Pheasant Pelts-\$375.00; Coca Cola Bottling Company, Supplies-\$893.50; Cook Implement, Supplies-\$519.88; Corn Palace Concessions, Water & Meals-\$84.00; Dakota Fluid Power, Supplies-\$3,126.88; Dakota Riggers & Tool Supply, Shovels & Rakes-\$262.13; Dakota Salvage, Steel-\$25.00; Dakota Supply Group, Supplies-\$177.01; Dale Steffen, CDL Testing-\$240.00; Dan Sabers, Contract Services-\$4,500.00; Danko Emergency Equipment, Equipment-\$2,700.00; Davison County Clerk of Courts, Background Checks-\$45.00; Davison County Volunteer Service, Allocation-\$2,000.00; Dell Marketing, Equipment-\$1,126.09; Delta Dental Plan of South Dakota, Dental Premiums-\$11,830.64; Dependable Sanitation, Contract Services-\$17,083.00; Department of Social Services, Payroll Deductions-\$1,019.08; Dippin' Dots, Supplies-\$3,094.60; Don Everson, Reimbursement-\$189.19; Donna Wiczorek, Contract Services-\$357.50; Dorothy Cahoy, Contract Services-\$520.00; Dorothy Stahl, Contract Services-\$260.00; Doug's Custom Paint & Body, Repairs-\$3,131.05; Ecolab Pest Elimination, Contract Services-\$157.50; Elaine Schaefer, Contract Services-\$65.00; Emergency Education Association, EMT Refresher Courses-\$2,000.00; Emery Senior Citizens, Reimbursement-\$166.02; Excel Truck & Trailer Repair, Parts-\$83.00; Farmers Alliance, Supplies-\$157.50; Farnams Genuine Parts, Parts-\$29.81; Farner-Bocken Company, Supplies-\$8,249.84; First Bankcard, Supplies-\$129.84; Fitness Pros Plus, Maintenance Contract-\$279.00; Franklin Covey Products, Supplies-\$19.14; Frito-Lay, Supplies-\$462.42; Frontier Precision, Supplies-\$156.41; Gall's, Supplies-\$105.98; Gaylen's Homegrown Popcorn, Supplies-\$325.00; General Drivers & Helpers, Union Dues-\$173.00; Geotek Engineering, Foster Lift Station-\$2,140.00; GF Advertising Services, Supplies-\$376.62; Glock Professional, Registration-\$300.00; Golden West Technologies, Basic

Alarm Monitoring-\$442.50; Great Western Tire Company, Tires-\$450.00; Gregory Connor Consulting, Registration-\$500.00; Gregory Gross, Refund-\$102.00; Hanson School District, Girls Hanson Classic-\$20,533.15; Harve's Sport Shop, Supplies-\$38.85; HD Supply Waterworks, Supplies-\$2,553.76; Hildi, Contract Services-\$2,450.00; Hillyard, Supplies-\$246.32; Hope Filter, Refund-\$30.00; Huron Culvert & Tank, Supplies-\$19,064.80; IA, NE, SD Prima Chapter, 2009 Dues-\$40.00; International Association of Chiefs of Police, Membership Dues-\$120.00; In The Swim, Pool Chemicals-\$285.93; Integrity Transcription, Supplies-\$356.50; Iverson Chrysler Center, Parts-\$172.79; JC Penney, Uniform Allowance-\$269.22; JAC Implement, Supplies-\$508.40; James Valley Community Center, Meals-\$27.55; JCL Solutions-Janitors Closet, Supplies-\$546.42; Jones Supplies, Supplies-\$1,700.73; K-Mart, Supplies-\$11.57; Karen Heiser, Contract Services-\$195.00; Kimball-Midwest, Supplies-\$655.28; Knology, Supplies-\$45.51; Kone, Maintenance Coverage-\$548.34; Kustom Signals, Pro-Lites-\$3,658.00; Lacial Equipment, Parts-\$938.00; Lakeview Sales, Supplies-\$935.48; Larry Jirsa, Architectural Fees-\$500.00; Larry's I-90 Service, Tires and Repairs-\$4,220.00; Leader Sporting Goods, Supplies-\$1,900.00; Leggette Brashers & Graham, Contract Services-\$5,236.68; Leila Schamber, Contract Services-\$325.00; Lifequest, 2009 Allocation-\$10,000.00; Lois E. Huber, Contract Services-\$740.00; Loo Con, Contract Services-\$4,000.00; Lordon, Supplies-\$576.00; Lyle Signs, Supplies-\$2,941.28; Marjorie Two Hawk, Refund-\$73.02; Maurine R. Cahoy, Contract Services-\$390.00; McFarland Supply Company, Supplies-\$11.37; McLeod's Printing, Supplies-\$163.80; Menard's, Supplies-\$4,390.32; Meridian Grain, Road Salt-\$1,354.06; Mes-Midam, Equipment-\$338.05; Meyers Oil Company, Oil-\$14,127.87; Midcontinent Communications, Utilities-\$49.53; Midwest Fire & Safety, Supplies-\$69.95; Midwest Turf & Irrigation, Supplies-\$2,091.22; Miller Farms, Rebuilt 350 Engine-\$1,300.00; Mitchell Area Chamber of Commerce, January Funding-\$2,336.25; Mitchell Area Convention Visitors Bureau, January Funding-\$15,062.25; Mitchell Area Development, Allocation-\$24,553.50; Mitchell Community Scholarship, Round-Up-\$690.71; Mitchell Ford, Parts-\$24.54; Mitchell Soccer Association, 5th & 6th Grade Soccer-\$911.50; Mitchell United Way, Payroll Deductions-\$194.79; Mobile Electronic Service, I-Cop Complete System-\$4,040.00; Mueller Lumber Company, Supplies-\$16.29; Municipal Pipe Tool Company, Supplies-\$1,560.00; Muth Electric, Repairs-\$209.18; Neve's Uniforms, Uniforms-\$798.73; Nick Traupel, Travel-\$18.00; Northern Truck Equipment, Plow Shoe-\$84.38; Northland Chemical, Supplies-\$245.65; Northwestern Energy & Communications, Utilities-\$38,379.71; Palace City Pawn, Reimbursement-\$405.00; Palace Cleaners, Supplies-\$156.75; Palace Motors, Parts-\$17.19; Papa Murphy's Pizza, Meals-\$202.48; Paulson Sheet Metal, Supplies-\$92.40; Pepsi Cola, Supplies-\$3,128.28; Phillip Bohlen, CDL Reimbursement-\$20.00; Pony Creek Steakhouse, Contract Services-\$3,890.25; Porter Distributing, Supplies-\$195.00; Powerphone, Emergency Medical Dispatch Receipts-\$545.00; Pristine Water Solutions, Generator Lease & Chemicals-\$849.86; Public Safety Center, Supplies-\$103.59; Qualified Presort, Mailing Service-\$1,753.61; Qwest, Utilities-\$2,428.94; Rob Parker, Travel-\$72.00; Rockhurst University Continuing Education, Registration-\$998.00; Ron Olson, Travel-\$26.00; RSVP, Ticket Sellers Girls Hanson Classic-\$400.00; Ryan Muck, Travel-\$18.00; S&M Printing Company, Supplies-\$80.00; Santel Communications, Utilities-\$49.95; Schmucker Paul & Nohr, Contract Services-\$619.75; Schoenfelder Construction, Refund-\$500.00; Scott Supply Company, Supplies-\$165.26; South Dakota Association of Fairs, Advertising-\$225.00; South Dakota Department of Health, Lab Fee-\$193.00; South Dakota Department of Public Safety, EMT Basic Patches-\$75.00; South Dakota Department of Revenue, Title & Registrations-\$25.00; South Dakota EMT Association District III, Dues-\$60.00; South Dakota Federal Property Agency, Vehicle-\$12,800.00; South Dakota Firefighters Association, 2009 Dues-\$435.00; South Dakota Municipal League, Registration-\$30.00; South Dakota Retirement System, Retirement Contributions-\$38,977.90; South Dakota Supplemental Retirement, Payroll Deductions-\$1,288.00; South Dakota Waste Water Association,

Registration-\$90.00; Sensus Metering Systems, Handheld Repairs-\$160.00; Sharon Rehorst, Contract Services-\$130.00; Shorty's Locker, Labor-\$99.00; Sioux Falls Two-Way Radio, Radio Repairs-\$48.89; State Radio Communications, Teletype Service-\$2,900.00; Sturdevant's Auto Parts, Parts-\$1,844.56; Sun Gold Trophies, Name Badges-\$48.00; Sun Life Financial, Payroll Deductions-\$1,688.09; Super Warehouse Government, Equipment-\$227.48; Superior Lamp, Supplies-\$1,885.95; Thompson Publishing Group, Subscription Renewal-\$438.50; Thune True Value Hardware, Supplies-\$143.73; Titan Access Account, Repairs-\$1,728.97; Toby Russell, Uniform Allowance-\$128.11; Tractor Supply, Supplies-\$285.62; Transportation Safety Apparel, Jacket-\$94.98; Triggers & Trailers, Glass Display Cases-\$2,000.00; Ultramax, Supplies-\$2,664.00; United Energy, Supplies-\$17,108.52; United Way & Volunteer Service, Rent & Copies-\$691.18; United States Postal Service, Postage-\$481.00; Unites States Golf Association, 2009 Membership-\$110.00; Velvet Uniforms, Supplies-\$5,088.00; Virginia Limberg, Personal Training Fees-\$468.00; Wal-Mart Community, Supplies-\$548.62; Wheelco Brake & Supply, Parts-\$493.87; Wholesale Electronics, Supplies-\$244.75.

Members present voting aye: Backlund, Barington, Beck, Carpenter, Houwman, Lepke, Smith.  
Members present voting nay: none. Motion carried.

**EXECUTIVE SESSION:**

Moved by Carpenter, seconded by Smith, to go into executive session as permitted by SDCL 1-25-2 (4). Motion carried. Moved by Beck, seconded by Carpenter, to come out of executive session. Motion carried.

**ADJOURN:**

There being no further business to come before the meeting, it was moved by Backlund and seconded by Barington to adjourn the meeting. Motion carried.

---

Marilyn Wilson  
Finance Officer